Remarks

In an Office Action dated May 9, 2006, claims 1-3, 5-8, 10, 12, 13, 15, 20 and 21 were rejected under 35 U.S.C. § 103 as being obvious over U.S. patent 5,871,562 to Chang et al. in view of U.S. Patent 6,162,737 to Weimer et al. and further in view of U.S. Patent 5,565,384 to Havemann. Claim 9 was rejected as being obvious over Chang et al. in view of Weimer et al. and Havemann and further in view of published U.S. Patent application 2004/011377 A1 [sic] to Shin et al. Claims 16-19 were rejected as being obvious over Chang et al. in view of Weimer et al. and Havemann and further in view of published U.S. Patent Application 2002/0064968 to Kim et al.

The foregoing rejection was made final.

Applicants request withdrawal of the final rejection for at least the reason that it fails to specifically address claim 14, and also fails on its face to state a valid rejection of claim 9. As applicants are entitled to have *all* of their claims examined and are further entitled to receive an articulated basis explaining the Office's position relative to *all* of the claims, the subject Office Action is defective and should be withdrawn.

Claim 14 has apparently never been examined by the Office. As applicants are entitled by law to receive a patent on properly presented claims, unless shown to be anticipated or obvious over the prior art, applicants can only assume the Office has implicitly allowed claim 14.

Further, applicants again note that the Office has failed to present a valid rejection of claim 9. In a first Office Action dated November 10, 2005, the Notice of References Cited indicated a U.S. Patent 6,730,570 B2 to Shin et al as a reference. This official citation notwithstanding, the text of the first Office Action explaining the rejection of original claims 4, 9, and 11 identified a combination of references including "Shin (US PG-PUB 2004/0110377 A1)." Applicants note this publication number actually corresponds to the subject application of Yong-Joon CHO et al. Thus, reasonably relying on the official citation of references instead of the erroneous textual reference, applicants expressly noted the disconnect in the first

Office Action and distinguished claims 9 from the U.S. Patent 6,730,570 B2 to Shin et al.

Undeterred by the previous clear error, and unimpressed by applicants' attempt to deal with a confused rejection basis, the examiner has again rejected claim 9 as being obvious over Chang in view of Weimer et al., and Havemann, and "further in view of Shin (US PG 2004/0110377 A1)."

At this point in time, applicants can only request clarification on two points:

(1) If the examiner really means "US PG 2004/0110377 A1", how can a published version of an application be used against itself as a reference?

(2) If the examiner means U.S. Patent 6,730,570 to Shin et al., how can a document with a U.S. filing date of January 22, 2003 be used as a reference for the subject application which has an effective U.S. filing date of November 22, 2002? [1] (See, the official filing receipt).

Clarification on these two points will aid applicants in understanding the actual status of claim 9 before the Office.

Applicants also request reconsideration of the stated rejection of amended claim 1. In the first Office Action, original claim 4 was not rejected with original claim 1, but was separately rejected "further in view of Shin (US PG 2004/0110377 A1)." The first Office Action thus recognized that the BPSG interlayer insulating layer disclosed in "Chang in view of Weimer and Havemann" was not sufficient to render obvious the subject matter of claim 4. As "Shin" in NOT a valid reference, the subject matter of original claim 4, now incorporated into amended claims 1, should be allowable over the art of record (e.g., Chang in view of Weimer and Havemann). This is exactly the conclusion presented on page 6, last paragraph through page 7 of applicants' former response.

Apparently, however, the examiner has either (1) had a change of heart and now considers "Chang in view of Weimer and Havemann" to be a sufficient basis for invalidating the subject matter of original claim 4 – contrary to the direct conclusions of the first Office Action, or (2) the examiner completely overlooked this point in the former response.

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[1] Applicants submit herewith an English translation and accompanying Certification of Translation for the foreign priority document of the subject application.

Here again, applicants request some specific comment from the examiner regarding the subject matter of claim 4 (now amended claim 1) in relation to the art of record so that they may understand the status of the pending claims before the Office.

In applicants' view, and consistent with the determination made in the first Office Action, amended claim 1 and all of its dependencies distinguish over "Chang in view of Weimer and Havemann" and should be allowed. Claim 21 is similarly allowable.

Respectfully submitted,

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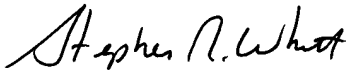

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